

# Planning Committee 11<sup>th</sup> June 2024

<b>APPLICATION NUMBER</b>		24/00081/FUL	
<b>SITE ADDRESS:</b>		57 Starkholmes Road Matlock Derbyshire DE4 3DD	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 1no. dwellinghouse	
<b>CASE OFFICER</b>	Aspbury Planning	<b>APPLICANT</b>	Mr James Neville
<b>PARISH/TOWN</b>	Matlock Town	<b>AGENT</b>	N/A
<b>WARD MEMBER(S)</b>	Cllr Steve Flitter Cllr Joanne Linthwaite Cllr David Hughes	<b>DETERMINATION TARGET</b>	22/03/2024  Agreed Extension 14/06/2024
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	5 unresolved objections Cllr Flitter 'call in'	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

## MATERIAL PLANNING ISSUES

- Principle of Development
- Impact on residential amenity
- Appearance, Layout and Scale
- The impact on the character and identity of the settlement
- Highway considerations
- Impact on trees, biodiversity and wildlife
- Drainage

## RECOMMENDATION

Refuse for the reasons set out in section 8.0 of the report.

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is located within the Matlock Settlement Framework Boundary, to the south of Matlock town and is accessed via Pump Close off Starkholmes Lane which lies to the west of the site. The plot is located between 53 and 57 Starkholmes Road. The application area comprises part of the garden area of no. 57 Starkholmes Road. There is a single storey outbuilding on the site. The adjacent land is occupied by residential properties, the dwellings to the south of the site beyond the rear boundary are on a higher land level, with a 2.5-metre-high beech boundary hedge to the south, a low stone wall to the north boundary with the highway, and a timber fence and conifer hedge to the eastern boundary with no. 53. Land levels rise gradually from west to east, and with a greater gradient from south to north. Access to the site is via the existing dropped kerb on to the driveway of no.57.





## **2.0 DETAILS OF THE APPLICATION**

- 2.1 Full planning permission is sought for the erection of 1no. detached two storey dwelling. Access to the site is proposed via a new dropped kerb access directly on to the frontage with two parking spaces.

## **3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

### **3.1. Adopted Derbyshire Dales Local Plan 2017**

- S1: Sustainable Development Principles
- S2: Settlement Hierarchy
- S3: Development within Settlement Framework Boundaries
- PD1: Design and Place Making
- PD3: Biodiversity and the Natural Environment
- PD6: Trees, Hedgerows and Woodlands
- PD7: Climate Change
- HC19: Accessibility and Transport
- HC21: Car Parking Standards

### **3.2 Other:**

The National Planning Policy Framework (2023)  
National Planning Practice Guidance

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 No Planning history available

## 5.0 CONSULTATION RESPONSES

### Derbyshire County Council (Highways)

- 5.1 There are no objections to the proposed development from a traffic and highway point of view subject to the following condition: - The building shall be not be occupied until the areas indicated on the submitted plans to be set aside for parking have been permanently demarcated in accordance with the details as shown in drawing ref: P04. The parking areas shall be retained as such thereafter. Reason: To ensure that parking provision is made on the site for the traffic generated by the development. Note: Pump Close is an unadopted private road.

### Ward Councillor

- 5.2 Cllr Flitter requested that the application is taken to committee for consideration due to the amount of public concern.

### Matlock Town Council

- 5.3 No Comments received

### Environmental Health (Derbyshire Dales)

- 5.4 I have no objections to this application in principle. However, as the site is in close proximity to existing residential dwellings, I would recommend that a restriction on the hours of operation be applied as a condition to this application as follows:

#### Restriction of hours of operation

No machinery or plant shall be operated, no process, including earth works, shall be carried out and no deliveries taken at received or dispatched from the site except between the hours 08: 30 - 18.00 Monday to Friday, 08.30 - 13.00 Saturday and at no time on Sundays, Bank or Public Holidays.

### DDDC - Trees and Landscape Officer

- 5.5 No comments received.

## 6.0 REPRESENTATIONS RECEIVED

- 6.1 12 representations have been received in objection to the proposed development, one of which is non-attributable. Second representations were received from two residents, the second in response to the submission of additional information by the applicant on 4<sup>th</sup> March 2024. A summary of the representations is outlined below:

- Highways Safety / Increased traffic/ access
- Narrow unadopted road
- Small site, no space for construction vehicles to park or turn, lack of storage space for building materials
- Drainage, surface water run-off issues
- Scale of proposed house excessive
- Neighbour amenity – loss of sunlight and impact on privacy
- Impact upon character and appearance of the area
- Overdevelopment and cramming of building on a narrow strip of land
- Dispute ownership of beech hedge
- Tree protection
- Protected species (bat roost)

Non-attributable objections:

- Ownership dispute

## **7.0 OFFICER APPRAISAL**

7.1 This application seeks full planning permission for the erection of one detached two storey dwelling on land to the east of no. 57 Starkholmes Road.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2023) and National Planning Practice Guidance are a material consideration in respect of this application.

7.3 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework, the main issues to assess are:

- Principle of Development
- Impact on residential amenity
- Appearance, Layout and Scale
- The impact on the character and identity of the settlement
- Highway considerations
- Impact on trees, biodiversity and wildlife
- Drainage

### Principle of Development

7.4 The site lies within the settlement boundary of Matlock, a first tier settlement, which is a primary focus for growth and development to safeguard and enhance its strategic role as employment and service centres. The site is located within walking distance of shops and services and is thus considered a sustainable location.

### Highways

7.5 Policy S3 requires development to have a layout, access and parking provision appropriate to the proposed use, site and its surroundings. Policies HC19 and HC21 seek to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided.

7.6 The Local Highways Authority have reviewed the proposal in relation to access and parking. Two car parking spaces are provided within the proposal and access directly on to the site from Pump Close. The parking and access arrangements proposed are considered acceptable.

### Appearance, Layout and Scale

7.7 Policy S3 requires proposed development to be of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located.

7.8 It is considered that the proposed layout and design constitutes over-development of the site, creating a cramped form of development which does not provide adequate outdoor

amenity space, and does not complement the character of the surrounding built form in terms of its height, scale, appearance and proposed materials. The proposed development is not therefore considered to comply with policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017)

#### The impact on the character and identity of the settlement

- 7.9 Policy PD1 Requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. Development should take account of national design guidance and which requires development to be of a high quality that respects the character and context of the area, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.10 It is considered that the proposal, as submitted, would result in an incongruous form of development that would not preserve or enhance the character and appearance of the settlement in terms of the established spacious character of the dwellings on Pump Close having adequately proportioned plot sizes and garden areas. The materials proposed are not in keeping with the local vernacular and would therefore have a harmful and unacceptable effect on the character and appearance of the surrounding area. The proposed development is not therefore considered to comply with policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

#### Impact on residential amenity

- 7.11 Policy PD1 requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. impacts on the amenity of neighbouring properties
- 7.12 It is considered that the amenity of neighbouring dwellings would be impacted by the proposed development in terms of overlooking, loss of sunlight and privacy. The beech hedge to the south boundary cannot be relied upon to mitigate the issue of overlooking towards the residential properties to the south of the application site.
- 7.13 There are several windows serving habitable rooms located on the west facing elevation of the neighbouring property to the east, no. 53. The proposed development would result in a loss of light and overbearing impact to this property due to the proximity and scale of the proposed dwelling.
- 7.14 It is considered that the proposal is unacceptable in terms of impact on the amenity of neighbouring properties and is not in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

#### Impact on trees, biodiversity and wildlife

- 7.15 Concerns were raised regarding a potential bat roost at no. 57 Starkholmes Road. The demolition of the outbuilding does not require planning permission; however, the demolition would be subject to the Wildlife and Countryside Act 1981 under which it is a criminal offence to damage or destroy a place used by bats for breeding or resting. Therefore, it is the applicant's responsibility to ensure that they are compliant with this legislation.

- 7.16 The proposal includes a tree and hedgerow plan. This indicates that there are two trees and two hedges on the site which are to be retained, however these are not shown on the proposed site layout which it would appear does not allow for the retention of the trees or part of the hedge to the east boundary.
- 7.17 Policy PD3 seeks to protect, manage, and where possible enhance biodiversity and geological resources by encouraging development to include measures to contribute positively to the overall biodiversity of the plan area to ensure there is a net overall gain to biodiversity.
- 7.18 Policy PD6 states that trees, hedgerows, orchards or woodland of value should be retained and integrated within development wherever possible. Where their loss is justified replacement provision will be required utilising indigenous tree species and hedgerows that are in sympathy with the locality and the site and, as a minimum, of equivalent value to the trees and hedgerows to be lost.
- 7.19 The application documents do not contain any information pertaining to the protection and enhancement of biodiversity. The proposed plans do not demonstrate how existing trees and hedges will be protected during construction. It is not therefore considered that the proposal is in accordance with policies PD3 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

#### Flood risk and drainage

- 7.20 Whilst concerns have been raised by local residents with regard to potential issues relating to surface water run off as a result of the development, the site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. There is not currently any evidence to suggest that water could not be satisfactorily drained from the site. Appropriate drainage could be secured by planning condition, if permission were granted.

#### Other matters

- 7.21 An objection was raised regarding the ownership of the property which was resolved satisfactorily outside of the public realm taking into account General Data Protection Regulation (GPDR).

#### Conclusion

- 7.22 When all of the above matters are weighed in the balance, and having due regard to all the elements of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework, it is considered that the harm caused to the character and appearance of the settlement and the amenity of neighbouring properties weighs heavily against the development and outweighs the limited public benefits that would be derived from the erection of 1 no. dwellinghouse in this location. Accordingly, the application is recommended for refusal.

## **8.0 RECOMMENDATION**

That planning permission be refused for the following reason(s):

1. The proposal would introduce a development that would unacceptably impact the amenity of neighbouring properties. The proposed development does not respect the character and context of the area, in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings, and would result in a cramped form of development with the proposed dwelling having a significantly smaller garden and plot width in comparison to the existing residential development in the

vicinity. The proposal does not make provision for the retention and integration of trees and hedges within the development or provide any detail regarding the protection and enhancement of biodiversity. As such the proposal is contrary to Policies S3, PD1, PD3 and PD6 of the Adopted Derbyshire Dales Local Plan (2017), and the National Planning Policy Framework (2023).

#### **NOTES TO APPLICANT:**

The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This decision notice relates to the following plans and documents submitted 30<sup>th</sup> March 2024:

Location Plan P01 Rev A  
Existing Site Layout Plan P03 Rev A  
Proposed Site Layout Plan P04 Rev A  
Elevation Plan P05 Rev A  
Tree and Hedgerow Plan P06 Rev A